

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

UNITED STATES OF AMERICA	*	
	*	
v.	*	CR 109-073-10
	*	
MARSIGNOR CORNELIUS WHITE	*	

---

O R D E R

---

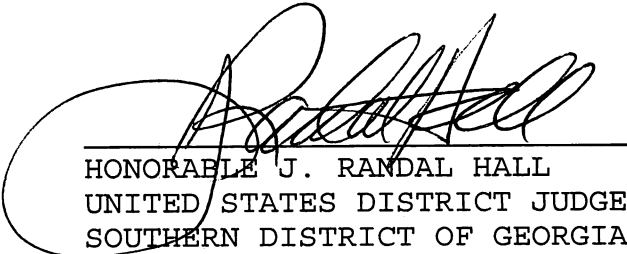
In the captioned criminal matter, Defendant Marsignor Cornelius White has filed a motion to correct his federal sentence under Federal Rule of Criminal Procedure 36. In essence, White contends that he should be credited the ten months he served in federal custody pursuant to a writ from state court prior to sentencing against his federal sentence.

Notably, White has sought credit for time served and been denied on two prior occasions. (See Orders of March 31, 2015, and July 20, 2016, Docs. 449, 489.) White's current motion under Rule 36 fares no better because his contentions do not involve mere clerical errors. In fact, a court may not use Rule 36 "to make a substantive alteration to a criminal sentence." United States v. Pease, 331 F.3d 809, 816 (11<sup>th</sup> Cir. 2003). Rule 36 gives a court "no jurisdiction to correct a defendant's sentence where the corrections are aimed at remedying errors of law rather than mere transcription." United States v. Portillo, 363 F.3d 1161, 1164 (11<sup>th</sup> Cir.

2004).

Rather, and as explained to White before, a judicial challenge to the Bureau of Prison's decision regarding the execution of a federal sentence must be brought under 28 U.S.C. § 2241 in the district of *confinement* rather than in the sentencing court. Fernandez v. United States, 941 F.2d 1488, 1495 (11th Cir. 1991); see also United States v. Nyhuis, 211 F.3d 1340, 1345 (11<sup>th</sup> Cir. 2000) ("A claim for credit for time served is brought under 28 U.S.C. § 2241 after the exhaustion of administrative remedies."). Accordingly, White must bring his § 2241 challenge in the Northern District of Florida, which has territorial jurisdiction over the facility in which Defendant is presently incarcerated. This Court simply does not have jurisdiction to consider the matter. See Rumsfield v. Padilla, 542 U.S. 426, 442-43 (2004). Accordingly, the motion to correct sentence (doc. 527) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 10<sup>th</sup> day of March, 2017.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA